



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

92

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/133,989	08/14/98	DOAN	T 93-0421.03

CHARLES B BRANTLEY II
8000 S FEDERAL WAY
M S 525
BOISE ID 83716-9632

IM22/0321

EXAMINER

EDWARDS, L

ART UNIT	PAPER NUMBER
----------	--------------

1734

4

DATE MAILED: 03/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/133989

Applicant(s)

Joan

Examiner

L. Edwards

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 and 12-43 is/are pending in the application.
- Of the above claim(s) 34-43 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 and 12-33 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit: 1734

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 and 12-33, drawn to a solvent dispenser/suction device, classified in class 118, subclass 50.
- II. Claims 34-37 and 41-43, drawn to a dispenser/splash control device, classified in class 118, subclass 60.
- III. Claims 38-40, drawn to a movable dispenser/movable suction device, classified in class 118, subclass 323.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-III are deemed independent and distinct inventions in that each invention requires particulars not required by the other invention. For instance, the invention of Group I is to a dispenser/suction device and the invention of Group II is to a dispenser and splash control device which does not require a suction device and could include a housing in combination with the dispenser to control splash. As for the invention of Group III relative to the inventions of Groups I and II, it requires movable parts such as a movable nozzle and a movable suction device as the inventions of Groups I and II do not require any movable parts.

Art Unit: 1734

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Brantley on 3/14/2000 a provisional election was made with traverse to prosecute the invention of Group I, claims 1 and 12-33. Affirmation of this election must be made by applicant in replying to this Office action. Claims 34-43 are withdrawn from further consideration by the examiner, 37 CAR 1.142(b), as being drawn to a non-elected invention.

Specification

The disclosure is objected to because of the following informality: on page 1, line 1, Applicant is suggested to update the history of the former case as to being abandoned or allowed and corresponding patent number(s).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 1734

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims ~~1~~, 12-14, and ¹⁷~~16~~-33 rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent No. 8-5825.

The Japanese Patent teaches an apparatus for removing coating from the edge of a substrate comprising means (12) for dispensing a developing solution onto the edge of the substrate and means (11) surrounding the dispensing means for vacuuming excess developing solution and dissolved coating material from the edge of the substrate (See Figs. 1-3). Inherently, the developing solution dispensed from the dispensing means ^{includes} constitutes a solvent as the developing solution permeates the built-up part or edge bead of the coated substrate and removes the built-up part as evidenced by the abstract in the last four lines.

Claims ~~1~~, 14-18, 20, 21, 24, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al (JP 56-73579).

Uchida et al teach an apparatus for removing coating from the edge of a substrate comprising means (4) for dispensing a solvent (i.e., water) onto the edge of the substrate and means (5) surrounding the dispensing means for vacuuming excess solvent and dissolved coating material from the edge of the substrate (See Figs. 1-3).

Art Unit: 1734

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 19, 22, 23, 25-27, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al (JP 56-73579) in view of Japanese Patent No. 8-5825.

Uchida et al teach an apparatus for removing the thick film part or edge bead of a coated edge comprising a nozzle (4) configured to apply a solvent (i.e., water) to an edge of a substrate, and a vacuum mechanism (5) enveloping the nozzle to remove excess solvent and dissolved coating material from the substrate edge. Uchida et al fail to teach or suggest the vacuum mechanism enveloping the edge of the substrate. However, it was known in the art at the time the

Art Unit: 1734

invention was made, to provide a vacuum mechanism enveloping a solvent dispensing nozzle as well as the edge of a coated substrate in order to facilitate the removal of coating build-up on the edge of a substrate from its top and bottom surface as evidenced by Japanese Patent No. 8-5825. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Uchida et al apparatus to envelop the dispensing nozzle as well as the edge of the substrate with a vacuum mechanism as taught by the Japanese Patent in order to optimize the removal of coating build-up from the edge of the substrate.

With respect to claim 22, Uchida et al teach an apparatus including a coaxial dispenser and suction device provided on the top surface of a coated substrate. Uchida et al are silent concerning providing such an apparatus on the top and bottom of the substrate and further having the suction device encompass both the top and bottom dispensers. However, it was known in the art at the time the invention was made to provide top and bottom dispensers with an encompassing suction device disposed about the dispensers in order to facilitate removal from the top and even the bottom of the coated substrate as evidenced by Japanese Patent No. 8-5825. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Uchida et al apparatus to provide top and bottom dispensers and encompass both dispensers with the suction device in order to completely remove any coating material build-up from the top surface as well any material that reaches the bottom surface of the substrate.

Art Unit: 1734

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent recognizes the state of the art with respect to combined dispenser and suction devices: Bell et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on Monday-Thursday from 8:30AM-6:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached at (703) 308-3853. The fax phone number for Art Unit 1734 is (703) 305-7115.

Any inquiry of a general nature such as status inquiries should be directed to the Group receptionist whose telephone number is (703) 308-0661.

L. E.
LAURA EDWARDS
PRIMARY EXAMINER
GROUP 1300
1700

le

March 20, 2000